

## REMARKS

### Amendment

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

### Election/Restriction

Applicants hereby confirm the election of claims 1-6, 10, 14, 33 and 34 (i.e. SEQ ID No. 8).

### Claim Objection

Claim 3 has been amended as suggested by the Examiner. Claims 1-6, 10, 14, 33 and 34 have been amended to recite the elected material (i.e. SEQ ID No. 8).

### The 35 U.S.C. §112 Rejection

Claims 10 and 14 were rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. The rejection is respectfully traversed.

The Examiner argued that the claims are drawn to pharmaceutical compositions and the specification is silent on how such a composition would be used. Applicants respectfully disagree.

Applicants submit that teaching on how to use the composition is not required to enable the instant claims which are drawn to a composition comprising the nucleic acid disclosed herein and a physiologically acceptable carrier. Physiologically acceptable carrier is well known to one of ordinary skill in the art. Thus, one of ordinary skill in the art would readily know how to make and use a physiologically acceptable carrier to generate the composition claimed herein. Accordingly, Applicants respectfully request that the rejection of claims 10 and 14 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 1-3, 5-6, 10, 14, 33 and 34 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed.


Claim 1 has been amended to recite SEQ ID No. 8. Claims 2-3 and 5 have been amended to delete the term "derived". Applicants submit that the claims have particularly pointed out and distinctly claimed the subject matter of the invention. Accordingly,

Applicants respectfully request that the rejections of claims 1-3, 5-6, 10, 14, 33 and 34 under 35 U.S.C. §112, second paragraph, be withdrawn.

This is intended to be a complete response to the Office Action mailed July 5, 2001. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution.

Respectfully submitted,

Date: Sept 13, 2001

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claim 1 has been amended as follows:

1. (amended) A nucleic acid comprising the nucleotide sequence of the genome of a non-subtype B HIV-1 virus, wherein said nucleotide sequence is SEQ ID No. 8 ~~selected from sequences shown in Fig. 13.~~

Claim 2 has been amended as follows:

2. (amended) A nucleic acid comprising a sequence of at least 12 contiguous bases of ~~derived from~~ the nucleic acid of claim 1.

Claim 3 has been amended as follows:

3. (amended) A nucleic acid comprising the nucleotide sequence of an ~~a~~ LTR of ~~derived from~~ the nucleic acid of claim 1.

Claim 4 has been amended as follows:

4. (amended) A nucleic acid encoding a polypeptide selected from the group consisting of Gag, Pol, Vif, Vpr, Env, Tat, Rev, Nef and Vpu, wherein the polypeptide is encoded by the genome of a

~~non-subtype B HIV-1 virus selected from the group consisting of 92RW009.6, 92NG003.1, 92NG083.2, 93BR020.1, 93BR029.4, 90CF056.1, 94CY032.3, 94CY017.41, 96ZM651.8, wherein the nucleotide sequence of said genome is SEQ ID No. 8, 96ZM751.3, and 94IN476.104.~~

Claim 6 has been amended as follows:

6. (amended) A nucleic acid comprising a sequence complementary to the sequence of a nucleic acid of any one of claims 1-4 5.

Claim 10 has been amended as follows:

10. (amended) A composition comprising a nucleic acid of any one of claims 1 to 4 5, and a physiologically acceptable carrier.

Claim 33 has been amended as follows:

33. (amended) A kit for detecting the presence of a non-subtype B HIV-1 virus in a sample comprising a nucleic acid of any one of claims 1 to 4 5.